

**REMARKS**

Claims 1-62 are currently pending in the subject application and are presently under consideration. Claims 1 and 22 have been amended herein pursuant to the Examiner's suggestions. A version of all pending claims is shown at pages 8-16 of this Reply. The specification has been amended as indicated at pages 2-7 to correct minor informalities. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Objection to the Specification**

The title of the invention stands objected to as not being descriptive. The title has been amended herein to be clearly indicative of the invention to which the claims are directed. Accordingly, this objection should be withdrawn.

**II. Rejection of Claims 1-38 Under 35 U.S.C. §101**

Claims 1-38 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. It is respectfully submitted that this rejection should be withdrawn for at least the following reason. Independent claims 1 and 22 have been amended as suggested by the Examiner in the Office Action dated Dec. 19, 2004. Accordingly, this rejection should be withdrawn.

**III. Rejection of Claims 1-31, 34-36 and 38-62 Under 35 U.S.C. §102(a)**

Claims 1-31, 34-36 and 38-62 stand rejected under 35 U.S.C. §102(a) as being anticipated by Microsoft BizTalk Server 2000 Enterprise Edition as evidenced by the Microsoft BizTalk Server 2000 Documentation Guide (1999-2000). Withdrawal of this rejection is respectfully requested for at least the following reasons. The Microsoft BizTalk Server 2000 Documentation Guide is not a proper reference since it is not a printed publication within the meaning of 35 U.S.C. §102(a).

An electronic publication, including an on-line database or Internet publication, is considered to be a "printed publication" within the meaning of 35 U.S.C. 102(a) and (b) provided the publication was accessible to persons concerned with the art to which the document

relates. See *In re Wyer*, 655 F.2d 221, 227, 210 U.S.P.Q. 790, 795 (CCPA 1981) (“Accordingly, whether information is printed, handwritten, or on microfilm or a magnetic disc or tape, etc., the one who wishes to characterize the information, in whatever form it may be, as a ‘printed publication’ . . . should produce sufficient proof of its dissemination or that it has otherwise been available and accessible to persons concerned with the art to which the document relates and thus most likely to avail themselves of its contents.”). See also MPEP 2128.

The Examiner has not provided sufficient proof of the availability and accessibility of the Microsoft BizTalk Server 2000 Documentation Guide prior to the filing date of the subject patent application. In particular, it appears that the Examiner is improperly relying upon the copyright date noted in the Microsoft BizTalk Server 2000 Documentation Guide as the date of publication. However, the copyright date may not be the date on which a reference is accessible to persons concerned with the art to which the document relates. Instead, prior art disclosures on the Internet or on an on-line database are considered to be publicly available as of *the date the item was publicly posted*. If the publication does not include a publication date (or retrieval date), it cannot be relied upon as prior art under 35 U.S.C. 102 (a) or (b). (See MPEP 2128) (emphasis added). Thus, the copyright date cannot be relied upon as the date of publication.

Two versions of the Microsoft BizTalk Server 2000 Documentation Guide exist on the Internet: an online version and a downloadable version. (See <http://www.microsoft.com/biztalk/techinfo/productdoc/2000/default.asp> ). The online version does not provide a publication date. Also, the Examiner retrieved the reference on December 15-17, 2004. The downloadable version indicates that it was posted on February 21, 2002. (See <http://www.microsoft.com/biztalk/techinfo/productdoc/2000/BTdownload.asp>). Further, the download page indicates that the downloadable version was published on January 15, 2003. (See <http://www.microsoft.com/downloads/details.aspx?FamilyId=BBE406A5-6DFF-4D71-B726-F74C355777FF&displaylang=en>). Therefore, neither the online version nor the downloadable version evince a publication date or a retrieval date prior to the effective filing date of the subject application, let alone prior to the one-year grace period. Accordingly, the Microsoft BizTalk Server 2000 Documentation Guide is not a proper reference under 35 U.S.C. §102(a) and this rejection should be withdrawn.

**IV. Rejection of Claims 32-33 and 37 Under 35 U.S.C. §103(a)**

Claims 32-33 and 37 stand rejected under 35 U.S.C. §103(a) as being obvious over Microsoft BizTalk Server 2000 Enterprise Edition as evidenced by the Microsoft BizTalk Server 2000 Documentation Guide (1999-2000). Withdrawal of this rejection is respectfully requested for at least the following reasons. As noted above, the Microsoft BizTalk Server 2000 Documentation Guide is not a proper reference since it is not a printed publication within the meaning of 35 U.S.C. §102(a). Accordingly, this rejection should be withdrawn.

**CONCLUSION**

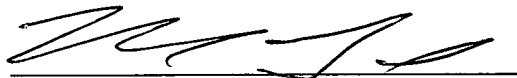
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP115US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731